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PATENT
ATTORNEY DOCKET NO.: DIVER1280-6
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jay M. Short
Application No.: 09/738,871
Filed: December 14, 2000
Title: HIGH THROUGHPUT SCREENING FOR A BIOACTIVITY OR
BIOMOLECULE

Art Unit: 1645
Examiner: Unknown

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

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INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. § 1.97, enclosed are references relating to the above-identified application. In accordance with 37 C.F.R. 1.97, Applicant brings to the Examiner's attention the related parent patent application, U.S. Serial No. 08/876,276 filed June 16, 1997, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

Applicant respectfully requests that the references supplied in compliance with 37 C.F.R. § 1.97 in the above-referenced parent application and U.S. Serial No's. 09/098,206 filed June 16, 1998; 09/444,112 filed November 22, 1999; 09/685,432 filed October 10, 2000; 09/687,219 filed October 12, 2000 and 09/636,778 filed August 11, 2000, as well as those cited during its examination, be made of record. For the convenience of the Examiner, a copy of the PTO Forms 1449 and PTO Forms 892 are attached. Copies of the documents will be found in the above-referenced related applications.

CERTIFICATION UNDER 37 CFR §1.8
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, May 12, 2003 , in an envelope addressed to: Commissioner for Patents, P. O. Box, Alexandria, VA 22313-1450.
Cara Grifone (Name of Person Mailing Paper)

Applicants: Jay M. Short
Application No.: 09/738,871
Filed: December 14, 2000
Page 2

Copies of communications from related foreign patents in counterpart applications are also enclosed.

It is respectfully requested that these references be considered in the examination of this application and their consideration be made of written record in the application file.

No fee is deemed necessary in connection with the filing of this Information Disclosure Statement. However, if any fee is required, authorization is hereby given to charge Deposit Account No. 50-1355.

Respectfully submitted,

Date: May 12, 2003



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USPTO CUSTOMER NUMBER 28213
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San Diego, CA 92121-2133

DIVER1280-2

O-1449

Department of Commerce Patent and
Trademark OfficeDocket No.
DIVER1280-2Serial No.:
09/444,112

Applicant(s): Lafferty et al.

INFORMATION DISCLOSURE
STATEMENT BY APPLICANTFiling Date:
November 22, 1999Group Art Unit:
1643

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U.S. PATENT DOCUMENTS

EXAM. INITIALS	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
AA	6,090,251	07/18/00	Sundberg et al.			
AB	6,086,825	07/11/00	Sundberg et al.			
AC	6,086,740	07/11/00	Kennedy			
AD	6,083,763	07/04/00	Balch			
AE	6,054,032	04/25/00	Haddad et al.			
AF	6,048,444	04/11/00	Takahashi et al.			
AG	6,027,873	02/22/00	Schellenberger et al.			
AH	5,938,908	08/17/99	Anazawa et al.			
AI	5,843,767	12/01/98	Beattie			
AJ	5,833,827	11/10/98	Anazawa et al.			
AK	5,790,727	08/04/98	Dhadwal et al.			
AL	5,763,263	06/09/98	Dehlinger			
AM	5,741,411	04/21/98	Yeung et al.			
AN	5,675,155	10/07/97	Pentoney Jr. et al.			
AO	5,584,982	12/17/96	Dovich et al.			
AP	4,621,059	11/04/86	Rokugawa			
AQ	4,276,048	06/30/81	Leaback			

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e through citation if not in conformance and not considered. Include copy of this form with next
communication to applicant.

FORM PTO-1449 U.S. Department of Commerce Patent and Trademark Office	Docket No. DIVER1280-3	Serial N .: 09/685,432
	Applicant(s): Short and Keller	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Filing Date: October 10, 2000	Group Art Unit: 1652



U.S. PATENT DOCUMENTS

EXAM. INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA	6,027,873	2/22/2000	Volker Schellenberger, et al.			
	AB	6,306,578 B1	10/23/2001	Volker Schellenberger, et al.			

FOREIGN PATENT DOCUMENTS

EXAM. INITIALS		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION (YES/NO)
	AC	WO 99/34920	7/15/1999	PCT			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages)

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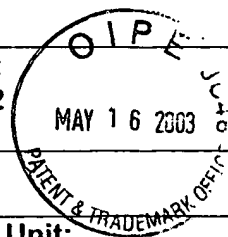
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Diver 1280-2

FORM PTO-1449 U.S. Department of Commerce Patent and Trademark Office	Docket No. DIVER1280-2	Serial No.: 09/444,112
	Applicant(s): Lafferty et al.	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Filing Date: November 22, 1999	Group Art Unit: 1645



U.S. PATENT DOCUMENTS

EXAM. INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA	5,274,240	12/28/93	Mathies et al.			02/24/92
	AB	5,670,113	09/23/97	Akong et al.			06/20/94

FOREIGN PATENT DOCUMENTS

EXAM. INITIALS		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION (YES/NO)
	AC	WO 97 45730A1	12/04/97	PCT			
	AD	WO 98 28075A1	07/02/98	PCT			
	AE	WO 98 38490A1	09/03/98	PCT			
	AF	WO 99 39191A1	09/05/99	PCT			
	AG	WO 99 49294A2	09/30/99	PCT			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages)

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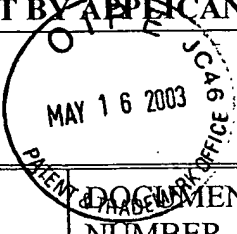
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

O-1449 Department of Commerce Patent and Trademark Office	Docket No. DIVER1280-2	Serial No.: 09/444,112
	Applicant(s): Lafferty et al.	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Filing Date: November 22, 1999	Group Art Unit: 1643



FOREIGN PATENT DOCUMENTS

EXAM. INITIALS		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION (YES/NO)
	AR	WO 99/34920	15.07.99	PCT			
	AS	WO 98/04920	05.02.98	PCT			
	AT	WO 90/14590	29.11.90	PCT			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages)

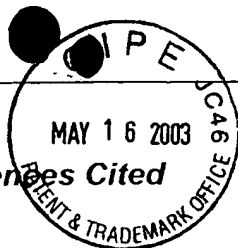
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Notice of References Cited



Application/Control No.

08/876,276

Applicant(s)/Patent Under
Reexamination
SHORT ET AL.

Examiner

David J. Steadman

Art Unit

1652

Page 1 of 1

U.S. PATENT DOCUMENTS

	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
A	US-			
B	US-			
C	US-			
D	US-			
E	US-			
F	US-			
G	US-			
H	US-			
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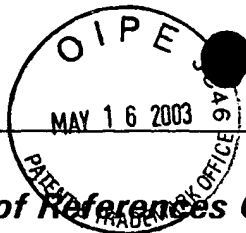
FOREIGN PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
N					
O					
P					
Q					
R					
S					
T					

NON-PATENT DOCUMENTS

*	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
U	ABEIJON et al. (1996) Proc Natl Acad Sci 93:5963-5968
V	
W	
X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



Notice of References Cited

Application No.
08/876,276

Applicant(s)
Short et al.

Examiner
Peter Tung

Group Art Unit
1652

Page 1 of 1

U.S. PATENT DOCUMENTS

	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS
A	5,824,485	10/20/98	Thompson et al.	435	6
B	5,173,187	12/22/92	Nader et al.	210	614
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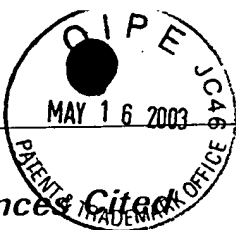
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FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
N						
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Q						
R						
S						
T						

NON-PATENT DOCUMENTS

	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
U	Miao, F. et al., Biotechnology and Bioengineering, Vol. 42, pages 708-715	1993
V		
W		
X		



Notice of References Cited

Application No.
09/098,206

Applicant(s)

Short et al.

Examiner

Remy Yucel

Group Art Unit

1636

Page 1 of 1

U.S. PATENT DOCUMENTS

	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS
A	5,824,485	10/20/98	Thompson et al.	435	6
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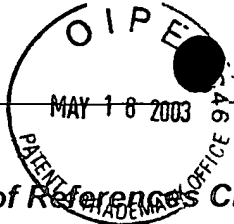
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FOREIGN PATENT DOCUMENTS

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O						
P						
Q						
R						
S						
T						

NON-PATENT DOCUMENTS

	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
U	Zhang et al. FASEB J. Vol. 5, pages 3108-3113.	1991
V	Plovins et al. Applied and Environmental Microbiology. Vol. 60(12), pages 4638-4641.	1994
W		
X		



Notice of References Cited

Application/Control No. 09/444,112	Applicant(s)/Patent Under Reexamination LAFFERTY ET AL.	
Examiner T. D. Wessendorf	Art Unit 1627	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,406,893 B1	06-2002	Knapp et al	435
	B	US-6,068,977	05-2000	Perlin	435
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
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	J	US-			
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FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



Notice of References Cited	Application/Control No. 09/636,778	Applicant(s)/Patent Under Reexamination SHORT ET AL.	
	Examiner Lisa Gansheroff	Art Unit 1636	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification	
	A	US-5,858,367-	01-1999	Rather et al.	--	--
	B	US-5,989,832-	11-1999	Trias et al.	--	--
	C	US-5,679,515-	10-1997	Stover et al.	--	--
	D	US- -				
	E	US- -				
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FOREIGN PATENT DOCUMENTS

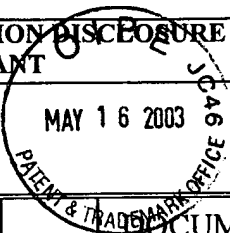
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	O	- -					
	P	- -					
	Q	- -					
	R	- -					
	S	- -					
	T	- -					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Raphael H. Valdivia et al. Applications for green fluorescent protein (GFP) in the study of host-pathogen interactions* Gene 173 (1996) 47-52
	V	
	W	
	X	

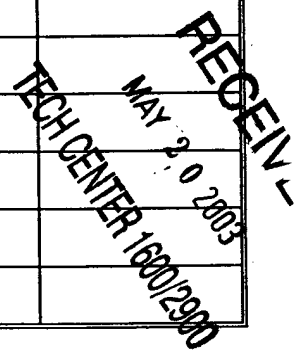
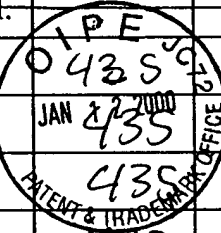
*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

FORM PTO-1449 U.S. Department of Commerce Patent and Trademark Office	Docket No. DIVER1280 (09010/020001)	Serial No.: 08/876,276
	Applicant(s): Jay M. Short, et al.	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Filing Date: June 16, 1997	Group Art Unit: 1652



U.S. PATENT DOCUMENTS

EXAM. INITIALS	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
<i>Cited on 892</i>	5,824,485	10/20/98	Thompson et al.			
<i>TD</i>	5,225,332	07/06/93	Weaver et al.	435	29	
	5,055,390	10/08/91	Weaver et al.	435	5	
	4,959,301	09/25/90	Weaver et al.	435	5	
	4,916,060	04/10/90	Weaver	435	29	
	4,647,536	03/03/87	Mosbach et al.	435	177	
	4,643,968	02/17/87	Weaver	435	32	
	4,399,219	08/16/83	Weaver	435	35	



FOREIGN PATENT DOCUMENTS

EXAM. INITIALS	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATIO N (YES/NO)

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages)

EXAMINER <i>Robert J. [Signature]</i>	DATE CONSIDERED <i>9/20/00</i>
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EXAMINER: Initial if citation considered whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Diver 1280

FORM PTO-1449 U.S. Department of Commerce Patent and Trademark Office	DOCKET NO. DIVER1280	SERIAL NO.: 08/876,276
INFORMATION DISCLOSURE STATEMENT APPLICANT	Applicants: Short and Keller	Filing Date: June 16, 1997
		Group Art Unit: 1652

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U.S. PATENT DOCUMENTS


EXAM. INITIALS	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE

FOREIGN PATENT DOCUMENTS

EXAM. INITIALS	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION (YES/NO)

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages)

DJS	AA	Cullis, Paul M. et al., "Exploiting Nucleotide Thiophosphates To Probe Mechanistic Aspects of Escherichia coli DNA Gyrase," <i>Biochemistry</i> , Vol. 36, 1997, pgs.6059-6068.
	AB	Huschtscha, Lily I. Et al., "A Rapid Micro Method for Counting Cells "In Situ" Using A Fluorogenic Alkaline Phosphatase Enzyme Assay," <i>In Vitro Cellular & Developmental Biology</i> , Vol. 25, No. 1 January 1989, pgs. 105-108.
	AC	Manafi, Mohammed et al., "Fluorogenic and Chromogenic Substartes Used in Bacterial Diagnostics," <i>Microbiological Reviews</i> , Vol. 55, No. 3, September 1991, pgs. 335-348.
↓ DJS	AD	Rotman, Boris et al., "Fluorogenic Substrates for β-D-Galactosidases and Phosphatases Derived from Fluorescein (3, 6-Dihydroxyfluoran) and Its Monomethyl Ether," <i>National Academy of Sciences</i> , Vol. 50, No. 1., July 15, 1963, pgs. 1-6.

EXAMINER 	DATE CONSIDERED 05/03/02
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form 1449

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Form PTO-1449 U.S. Department of Commerce Patent and Trademark Office	Docket No. 09010/035001	Serial No.: 09/098,206
DEC 13 1999 PATENT & TRADEMARK OFFICE	Applicant(s): J. Short et al.	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Filing Date: June 16, 1998	Group Art Unit: 1636

U.S. PATENT DOCUMENTS

EXAM. INITIALS	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE

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FOREIGN PATENT DOCUMENTS

EXAM. INITIALS	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATIO N (YES/NO)
<i>JS</i>	WO 98/56904	12/17/98	PCT	—	—	
<i>JS</i>	WO 99/49315	9/30/99	PCT	—	—	
<i>JS</i>	WO99/54494	10/28/99	PCT	—	—	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages)

EXAMINER <i>Samuel</i>	DATE CONSIDERED 5/1/00
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

TO-1449

Department of Commerce Patent and
Trademark Office

Docket No.
DIVER1280 (09010/020001)

Serial No.:
08/876,276

Applicant(s): Short and Keller

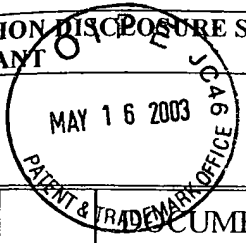
Filing Date:
June 16, 1997

Group Art Unit: 1632

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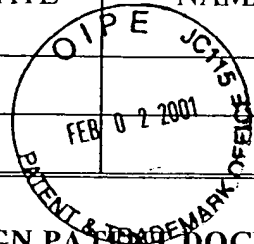
INFORMATION DISCLOSURE STATEMENT
BY APPLICANT



U.S. PATENT DOCUMENTS

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EXAM. INITIALS	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	NONE					



FOREIGN PATENT DOCUMENTS

EXAM. INITIALS		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATIO N (YES/NO)
<i>R</i>	AZ	WO97/48717	18.06.97	PCT			
<i>↓</i>	BA	WO97/20078	02.12.96	PCT			
<i>↓</i>	BB	WO97/04077	17.07.96	PCT			
<i>↓</i>	BC	WP96/34112	02.04.96	PCT			

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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages)

<i>R</i>	BD	Roessner et al., "Fluorescence-Based Method for Selection of Recombinant Plasmids," <i>BioTechniques</i> 19:760-764 (1995)
<i>R</i>	BE	Wittrup et al., "Microencapsulation Selection for Isolation of Yeast Mutants with Increased Secretion of <i>Aspergillus awamori</i> Glucoamylase," <i>Biotechnology and Bioengineering</i> 42(3):351-356 (1993)

EXAMINER

Peter J...

DATE CONSIDERED

7/19/01

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

SUBSTITUTE FORM PTO-1449
(MODIFIED)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
09010/020001SERIAL NO.
08/876,276MAY 16 2003
PATENT & TRADEMARK OFFICE
(37 CFR 1.92(b))INFORMATION DISCLOSURE
STATEMENT BY APPLICANT
(Use several sheets if necessary)O I P E
DEC 28 1998
PATENT & TRADEMARK OFFICEAPPLICANT:
Short and KellarFILING DATE
6/16/97GROUP
1804-1652

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
72	AA	5 6 6 3 0 4 6	09/02/97	Baldwin et al.	435	6	
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	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

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FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	AL							
	AM							
	AN							
	AO							
	AP							

OTHER DOCUMENTS (including Author, Title, Date, Place of Publication)

12	AQ	Plovins et al., "Use of Fluorescein-Di-β-D-Galactopyranoside (FDG) and C ₁₂ - FDG as Substrates for β-Galactosidase Detection by Flow Cytometry in Animal, Bacterial, and Yeast Cells", Applied and Environmental Microbiology, Dec. 1994 (p. 4638-4641)						
	AR							
	AS							

EXAMINER

DATE CONSIDERED

12/3/99

EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.